

Applicant/Serial No.: Markus Krumbeck et al. / 10/723,336
Filed/Conf. No. 11/26/2003 / Conf. No. 9482
Examiner/Group: Brian Swenson / 3618
Amendment mailed: 02 / 07 / 2006
Attorney File: MA0776US (#90081)

REMARKS

This Amendment is in response to the Office Action mailed on September 16, 2005. Claims 1, 2 and 6-8 stand rejected under 35 U.S.C. 102(b). Claims 3-5, 9-10 and 11-12 have been stated to include allowable subject matter, for which the applicants express their appreciation.

Claims 1-3, 6 and 8-12 have been amended to improve their form without incorporating any new subject matter. Claims 3 and 9-11 have been written in independent form, and it is respectfully submitted that those claims are in condition for allowance, along with dependent claims 4, 5 and 12.

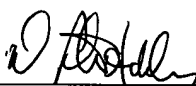
Claim 1 has been amended to recite that the standing and/or carrying plate does not lift during a release and therefore does not establish a clearance for rotation when the sole holders are adjusted in the release position to prevent dirt to be present between the standing and/or carrying plate and a ski boot sole. This feature was a shortcoming of Beyl as explained in paragraph [0006] of the present application. The ability to keep dirt from entering the working components of the present invention is a major advantage of the invention. It is respectfully submitted that claim 1, with its dependent claims 2 and 6-8, is in allowable form.

New claim 13 has been added to the application. It recites a releasable ski binding similar to that of claim 1 and includes structure for releasing the locking structure of the first sole holders "in response to the rotation of said standing and/or carrying plate outside the angle-of-rotation region." In Beyl, rotation of the plate cannot release the binding – a moderate lifting is also required. See Beyl, column 7, lines 45-48. In addition, the front sole holders of claim 13 rotate about axes not parallel to the transverse axes of the rear sole holders, whereas in Beyl they rotate about transverse

axes parallel to those of the rear sole holders. Accordingly, it is deemed that the application is in condition for allowance, and such action is respectfully requested.

The Examiner is invited to telephone the undersigned if there are any aspects of the prosecution of this application which could be expedited upon a discussion with the undersigned.

Respectfully submitted,

By: 
D. Peter Hochberg
Reg. No. 24,603

DPH/ck

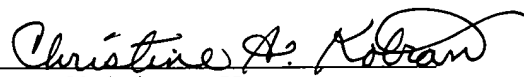
Enc.: Petition and fee for extension of time

D. Peter Hochberg Co., L.P.A.
1940 E. 6th Street - 6TH Floor
Cleveland, Ohio 44114
Phone: (216) 771-3800 / Fax: (216) 771-3804
e-mail: DPHDOCKET@aol.com

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper or document referred to as being attached hereto or transmitted herewith) is being deposited with the United States Postal Service as first class mail in an envelope addressed: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 2/7/2006


Christine A. Kotran